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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

CARL SHUPE and CONSTRUCTION  
LABORERS PENSION TRUST FOR  
SOUTHERN CALIFORNIA,  
Individually and on Behalf of All  
Others Similarly Situated,

Plaintiffs,  
vs.

ROCKET COMPANIES, INC., JAY D.  
FARNER, DANIEL GILBERT, and  
ROCK HOLDINGS INC.,

Defendants.

Case No. 1:21-cv-11528-TLL-APP

Honorable Thomas L. Ludington  
United States District Judge

Honorable Anthony P. Patti  
Magistrate Judge

**STIPULATION REGARDING DISMISSAL OF (1) CERTAIN CLAIMS  
AGAINST DEFENDANT DANIEL GILBERT AND (2) CLAIMS BASED  
ON THE MARCH 2021 TWEETS REGARDING THE UWM  
ULTIMATUM**

Lead Plaintiff Carl Shupe (“Lead Plaintiff”), additional Plaintiff Construction Laborers Pension Trust for Southern California (“SoCal,” and together with Lead Plaintiff, “Plaintiffs”), and Defendants Rocket Companies, Inc., Rock Holdings Inc. (“RHI”), Jay D. Farner, and Daniel Gilbert (collectively, “Defendants,” and together with Plaintiffs, the “Parties”), hereby stipulate as follows:

WHEREAS, on February 12, 2024, Plaintiffs filed the Second Amended Complaint (ECF No. 109), which substituted SoCal for Matthew Pearlman, as permitted by the Court’s February 5, 2024 Order (ECF No. 107);

WHEREAS, also on February 12, 2024, Plaintiffs filed a renewed motion for class certification (ECF No. 111), which is now fully briefed;

WHEREAS, several additional motions are fully briefed and pending before the Court, including:

- (1) Defendants’ motion for a protective order concerning requests for admission served on Defendants (ECF Nos. 108, 119, 125);
- (2) Non-parties’ motions to quash subpoenas concerning deposition notices served on them (ECF Nos. 115, 126, 129 (non-party Ryan Branson) and 116, 127, 130 (non-party Orlyn Shupe));
- (3) Plaintiffs’ motions to exclude the testimony of the experts proffered by Defendants in opposition to class certification (ECF Nos. 131, 151,

156 (Mark Garmaise); ECF Nos. 138, 139, 153, 154 (Laura T. Starks);  
ECF Nos. 132, 152, 155 (René Stulz));

- (4) Defendants’ motions to exclude the testimony of the expert proffered by Plaintiffs in support of class certification (ECF Nos. 121, 136, 142 (Chad Coffman));
- (5) Defendants’ motion to strike the rebuttal expert report of Mr. Coffman as improper, or, in the alternative, for leave to file sur-rebuttal expert reports from Drs. Stulz and Garmaise (ECF Nos. 150, 157, 159); and
- (6) Defendants’ motion requesting the Court schedule an evidentiary hearing on Plaintiffs’ pending motion for class certification (ECF Nos. 158, 160, 161);

WHEREAS, apart from the discrete matters identified above, the Parties have completed fact, expert, and class certification discovery;

WHEREAS, upon assessing the factual record following completion of fact discovery, Plaintiffs have determined it would be in the best interest of the proposed Class and would preserve judicial resources to dismiss claims under § 20A of the Securities Exchange Act of 1934 (the “Exchange Act”) solely as to Mr. Gilbert. Following this dismissal, Plaintiffs’ insider trading claim pursuant to § 20A of the Exchange Act would proceed only against RHI;

WHEREAS, upon assessing the factual record following the completion of fact discovery, Plaintiffs have determined it would be in the best interest of the proposed Class and would preserve judicial resources to dismiss claims alleging that the tweet by Mr. Farner (and the subsequent retweet by Mr. Gilbert) concerning United Wholesale Mortgage (“UWM”), on March 17, 2021 and March 19, 2021 (the “UWM Tweets”), respectively, were false and misleading (ECF No. 109, PageID.8520-23, ¶¶ 240-41);

WHEREAS, because Plaintiffs intend to dismiss their claim under the Exchange Act asserting that the UWM Tweets were false and misleading, Plaintiffs are no longer pursuing claims under § 10(b) of the Exchange Act against Mr. Gilbert, and Mr. Gilbert would remain a Defendant solely as to the “control person” claims pursuant to § 20(a) of the Exchange Act;

WHEREAS, the Parties have conferred and do not believe that any of the matters presently pending before the Court warrant different analysis, different resolution, or additional briefing upon removing primary claims against Mr. Gilbert or claims that the UWM Tweets were false and misleading (as described above) from the Action;

WHEREAS, the Parties have conferred and believe that while memorializing that such claims are being dismissed, a formal amendment to the pleadings and

corresponding answer (other than as set forth below) would not be necessary at this time;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the Parties hereto and subject to approval by the Court:

1. Plaintiffs' Second Amended Complaint (ECF No. 109) is hereby amended to (a) remove claims against Defendant Daniel Gilbert entirely from Counts I, II, and III, and (b) no longer allege that the statements identified in paragraphs 240-41 are false or misleading, thereby removing any and all claims based on these statements against Defendants Rocket Companies, Inc. and Mr. Farner from Count III and against Defendants RHI, Mr. Farner, and Mr. Gilbert from Count IV;

2. Subject to Court approval, the above-mentioned claims shall be dismissed with prejudice and without costs or attorneys' fees to any party;

3. With respect to the dismissed claims, the Parties and their respective counsel agree that, at all times, the Parties complied with the requirements of Rule 11 of the Federal Rules of Civil Procedure; and

4. All other matters presently pending before the Court shall remain pending, without the need for additional briefing, except upon the Court's request, as a result of the changes identified in the prior paragraph.

IT IS SO STIPULATED AND AGREED.

DATED: July 8, 2024

Respectfully submitted,

**LABATON KELLER SUCHAROW LLP**

/s/ Jake Bissell-Linsk

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**IT IS SO ORDERED.**

Dated: July 15, 2024

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge